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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,337	07/20/2001	Zuoxing Yu	CSA 20143	3639
7590 12/18/2003 Timothy E. Nauman, Esq. Fay, Sharpe, Fagan, Minnich & McKee, LLP 1100 Superior Avenue, 7th Floor Cleveland, OH 44114-2518			EXAMINER GOFF II, JOHN L.	
			ART UNIT 1733	PAPER NUMBER

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/910,337

Applicant(s)

YU ET AL.

Examiner

John L. Goff

Art Unit

1733

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-6, 8-20, 22, 23 and 25-30.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because:

Regarding applicants arguments of the 35 USC 112 rejections, it is noted that while the phrase "consisting essentially of" is an accepted term the specification does not disclose anything other than the crosslinkable thermoplastic comprises polyolefin. Specifically, the specification does not disclose additional materials that could be used in the crosslinkable thermoplastic that do not materially affect the basic characteristics of the thermoplastic such that the use of the phrase "consisting essentially of" is new matter and renders the claims indefinite.

Regarding applicants arguments that there is no motivation to combine Edwards and Cook, it is noted Edwards discloses using general polyolefins known to one in the art such that one of ordinary skill in the art would look to the broad field of polyolefin materials including those that are crosslinked or uncrosslinked. This is further evidenced by Cook who shows using crosslinkable polyolefins as abrasion resistant layers in glass run channels, i.e. both Edwards and Cook are directed to the same art, such that one of ordinary skill in the art would readily be motivated to use as the polyolefin materials taught by Edwards crosslinkable polyolefins as suggested by Cook. Furthermore, as to the particulars of Cook it is noted Cook is used only to show the use of crosslinkable polyolefins to make glass run channels.


Regarding applicants arguments regarding claims 8 and 12, it is noted Edwards co-extrudes the abrasion resistant layer with the main body member with no intervening steps prior to contacting such that the combination of Edwards in view of Cook would create a process wherein the abrasion resistant layer is crosslinked/cured after contacting the main body member as the crosslinkable abrasion resistant layer is crosslinked/cured only after being in a melt state and the abrasion resistant layer and main body member are contacted directly after co-extrusion with no intervening steps.

Regarding applicants arguments as to Scott, it is noted Scott teaches motivation for combining with Edwards and Cook in that Scott teaches crosslinking of the polyolefin with silane enable crosslinking of the polyolefin under less critical crosslinking conditions than those which are normally present in conventional crosslinking techniques, i.e. silane crosslinking is preformed under less critical conditions than conventional crosslinking.

Regarding applicants arguments as to Hiyashi, see paragraph 12 (Response to Arguments) of the Final Rejection.



John L. Goff



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